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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1978
EDWARD B. EVANS 1936-1971

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June 22, 2004

FACSIMILE COVER SHEET

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Fax: 703-872-9306

From: David E. Jefferies

Re: SECOND REQUEST FOR
CORRECTION OF FILING RECEIPT
Our File: KPF-30CD3
US Divisional Application Serial No.
10/687,856
Filed October 17, 2003
TIMER
Amonett et al.

Pages: 10 (including cover sheet)


MESSAGE/COMMENTS

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JUN 22 2004

OFFICIAL

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I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office at facsimile number (703) 872-9306 on <u>June 22, 2004</u> .	
 Ginger M. Graff	<u>6/22/04</u> Date

PATENT
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JUN 22 2004

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Keith Amonett et al.
Application No: 10/687,856
Filed: October 17, 2003
Title: TIMER
Conf. No: 9569
Art Unit: 3653
Examiner: Unknown
Our Ref: KPF-30CD3

Cincinnati, Ohio 45202

June 22, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

The filing receipt dated January 21, 2004 for the above-identified application indicates Applicants as Daniel Keith Amonett, Robert G. Sokalski, and Donald Eugene Smith. However, Daniel Keith Amonett and Robert G. Sokalski are the only Applicants for the above-identified application. The error in the Applicants listed on the filing receipt was due to a mistake by the U.S. Patent and Trademark Office ("U.S. PTO"), and not due to a mistake on the part of the Applicants. Thus, on March 23, 2004, Applicants filed a Request for a Corrected Filing Receipt, in view of the U.S. PTO's error

of the listed inventors on the filing receipt. This Request was denied in a response from the U.S. PTO Initial Patent Examination Division. That response stated that a Petition to Correct Inventorship under 37 CFR § 1.48 was needed to make the requested change. For the following reasons, Applicants disagree that such a petition is needed to correct this error and so submits this Second Request for Correction of Filing Receipt ("Second Request").

Correction of inventorship in an application is governed by 37 CFR § 1.48, as stated by the U.S. PTO. In particular, subsection (a) of 37 CFR § 1.48 governs correction of inventorship in a "nonprovisional application after oath/declaration filed" (and the present application is a nonprovisional application in which the oath/declaration has been filed). However, Applicants submit that correction of inventorship under 37 CFR § 1.48, and petitions therefor, are only applicable in situations where the inventive entity was set forth in error by the Applicant. In particular, Applicants note that the first sentence of subsection (a) begins, "If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application" Applicants submit that this is not the case in the present situation, because the inventive entity in the present application was not set forth in error, as will be described below.

The present application is a divisional of Application Serial No. 10/322,999, which is a divisional of Application Serial No. 10/000,414 (U.S. 6,613,991), which is a continuation-in-part of Application Serial No. 09/368,284 (U.S. 6,441,326), which is a continuation-in-part of Application Serial No. 09/365,561 (U.S. 6,080,943). As filed, the present application included a copy of the executed Declaration from the '561

application, as is allowed under 37 CFR § 1.63(d). The executed Declaration filed in the '561 application was correct in that it satisfied all of the requirements for such a Declaration as laid out in 37 CFR § 1.63. And that Declaration included execution by the three named inventors of the '561 application (Daniel Keith Amonett, Robert G. Sokalski, and Donald Eugene Smith). The present application includes fewer than the inventors named on the Declaration of the '561 case. In particular, the inventors on the present application are Daniel Keith Amonett and Robert G. Sokalski. However, it is still permissible to submit such a Declaration under 37 CFR § 1.63(d), in view of the fact that Applicants noted that not all of the named inventors on the submitted copy of the Declaration were inventors for the present application. In particular, the application transmittal states "Please note the inventors named in this application are fewer than those named in the prior application and the attached Declaration." Copies of the transmittal and filing receipt are attached.

Thus, in filing the present application, Applicants filed a copy of a proper Declaration with the application. Applicants further notified the U.S. PTO at that time that fewer than all the inventors listed on the Declaration were named in the present application. And in particular, on both the transmittal submitted with the application, and on the application itself, Applicants listed the inventors of the present application as Daniel Keith Amonett and Robert G. Sokalski. Thus, the inventive entity as laid out by Applicants upon filing of the present application was correct, and the inclusion of Donald Eugene Smith as an inventor on the filing receipt of the above-referenced application was due to a mistake on the part of the U.S. PTO and not due to any error on the part of the Applicants. Applicants therefore request the issuance of a corrected filing receipt.

No fee is believed due. However, if a fee is deemed necessary in relation to this request, the Commissioner is authorized to charge the fee to Deposit Account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: 

David E. Jeffares, Reg. No. 46,800

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: KPF / 30CD3

Applicant: Daniel Keith Amonett, Robert G. Sokalski

Title: TIMER

CERTIFICATE OF MAILING BY EXPRESS MAIL - 37 CFR 1.10'Express Mail' mailing label number: EV355037312USDate of Deposit: October 17, 2003

I certify that this paper or fee (along with the enclosures noted herein) is being deposited with the United States Postal Service 'Express Mail Post Office to Addressee' service under 37 CFR 1.10 on the above date and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Kenneth Eads (person mailing paper)**EV355037312US****UTILITY PATENT APPLICATION TRANSMITTAL**

*Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450*

This is a request for filing, under 37 CFR § 1.53(b), a(n):

- ☐ Original (non-provisional) application.
- ☒ **Divisional of prior application Serial No. 10/322,999, filed on December 18, 2002, which is a divisional of U.S. Patent Application Serial No. 10/000,414 filed on November 2, 2001, now U.S. Patent No. 6,613,991, which is a continuation-in-part of U.S. Patent Application Serial No. 09/368,284 filed August 3, 1999, now U.S. Patent No. 6,441,326, which is a continuation-in-part of U.S. Patent Application Serial No. 09/365,561 filed August 2, 1999, now U.S. Patent No. 6,080,943, all of which are hereby incorporated by reference herein in their entireties.**
- ☐ Continuation of prior application Serial No. __, filed on __.
- ☐ Continuation-in-part of prior application Serial No. __, filed on __.

For Divisional and Continuation applications ONLY:

- ☒ **Copy of Executed Declaration, Power of Attorney and Petition Form from parent application is enclosed (as noted below in Enclosures).**
- ☒ **Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.**

For all Divisional, Continuation and Continuation-in-part applications:

- ☒ **Please note the inventors named in this application are fewer than those named in the prior application and the attached Declaration.**
- ☐ Small Entity Status was requested in the prior application, and small entity status is still proper and desired.
- ☒ **This application is assigned to France/Scott Fetzer Company of 2268 Fairview Boulevard West, Fairview, TN 37062 by virtue of an earlier assignment filed in the prior application at Reel 10224, Frame 710.**

KPF / 30CD3

Express Mail No. EV355037312US

PRELIMINARY AMENDMENT/CALCULATION OF FEES
--

- ☐ Please cancel claims __ without prejudice, and prior to calculating the fees. __ total claim(s), of which __ is(are) independent, is(are) pending after the amendment.
- ☐ Please enter the enclosed preliminary amendment identified below prior to calculating the fees. __ total claim(s), of which __ is(are) independent, is(are) pending after the amendment.
- ☐ Small Entity Status is Requested
- ☒ **The Fees are Calculated as Follows:**

Fee:	Number of Claims:	In Excess of:	Extra:	At Rate:	Amount:
Total Claims	7	20	0	\$18	\$0.00
Independent Claims	1	3	0	\$84	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					
BASIC FEE					\$770.00
TOTAL OF ABOVE CALCULATIONS					\$770.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY					
TOTAL					\$770.00

ENCLOSURES

- ☒ **Utility Patent Application Transmittal Form (in duplicate) containing Certificate of Mailing By Express Mail Under 37 CFR 1.10.**
- ☒ **Return Postcard.**

APPLICATION PAPERS

- ☒ **Utility Patent Application, with: cover sheet, 61 page(s) specification (including 7 total claim(s), of which 1 is(are) independent, and 1 page(s) abstract).**
- ☒ **Drawings: 19 sheet(s) of formal drawings (27 total figure(s)).**
- ☐ Microfiche Computer Program (Appendix).
- ☐ Nucleotide and/or Amino Acid Sequence, including (all are necessary): Computer Readable Copy, Paper Copy (identical to computer copy), and Statement verifying identity of copies.
- ☐ An __ Declaration, Power of Attorney and Petition Form.
- ☒ **Copy of Executed Declaration, Power of Attorney and Petition Form from prior application identified above.**
- ☐ Certified Copy of priority document(s) identified as attached above.

ADDITIONAL PAPERS

- ☐ Assignment to __, Recordation Cover Sheet (Form PTO-1595)
- ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i)
- ☐ Preliminary Amendment (to be entered prior to calculation of fees)
- ☒ **Information Disclosure Statement, 7 sheet(s) Form PTO-1449, 0 U.S. Patent Reference(s), 0 Foreign Patent Reference(s) and 0 Other Reference(s)**
- ☐ Other: __

KPF / 30CD3

Express Mail No. EV355037312US

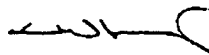
CHECKS

- ☒ A Check of \$770.00 for the filing fee.
☐ A Check of for the assignment recording fee.

DEPOSIT ACCOUNT AUTHORIZATION

- ☐ Please charge Deposit Account No. 23-3000 in the amount of .
☒ The Commissioner is authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 23-3000. A duplicate of this transmittal is attached.
☐ THE PAYMENT OF FEES IS BEING DEFERRED.

Respectfully Submitted,



Thomas W. Humphrey
Reg. No. 34,353

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/687,856	10/17/2003	3653	770	KPF / 30CD3	19	7	1

CONFIRMATION NO. 9569

Thomas W. Humphrey
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FILING RECEIPT



Date Mailed: 01/21/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Daniel Keith Amonett, Murfreesboro, TN;
Robert G. Sokalski, Murfreesboro, TN;
Donald Eugene Smith, Smithville, TN;

Assignment For Published Patent Application

France/Scott Fetzer Company, Fairview, TN;

Domestic Priority data as claimed by applicant

This application is a DIV of 10/322,999 12/18/2002
which is a DIV of 10/000,414 11/02/2001 PAT 6,613,991
which is a CIP of 09/368,284 08/03/1999 PAT 6,441,326
which is a CIP of 09/365,561 08/02/1999 PAT 6,080,943

Foreign Applications

If Required, Foreign Filing License Granted: 01/21/2004

Projected Publication Date: 04/29/2004

Non-Publication Request: No

Early Publication Request: No

Title

Timer

Preliminary Class

194

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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